

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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Federal Communications Commission  
Office of Secretary

In the Matter of

Advanced Television Systems  
and Their Impact upon the  
Existing Television Broadcast  
Service

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MM Docket No. 87-268

To: The Commission

PETITION FOR RECONSIDERATION

Maranatha Broadcasting Company, Inc. ("MBC"), licensee of independent UHF television station WFMZ-TV, Channel 69, Allentown, Pennsylvania, through counsel and pursuant to Section 405 of the Communications Act and Section 1.429 of the Commission's rules, hereby petitions for reconsideration of the *Sixth Report and Order* ("Sixth Report") in the above-captioned proceeding, FCC 97-115, released April 21, 1997,<sup>1</sup> insofar as the *Sixth Report* assigns Channel 46 as a paired DTV channel allotment to both WFMZ-TV and WWAC-TV, Atlantic City, New Jersey, in substantial derogation of the minimum mileage separation requirements established elsewhere for DTV allotments.

One of the major criticisms of the FCC's *Sixth Further Notice of Proposed Rule Making* in this proceeding (FCC 96-207, released August 14, 1996), concerned the FCC's "core-channel" approach and an unseemly haste to recover spectrum between Channels 60 and 69 for an early

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<sup>1</sup> 62 Fed. Reg. 26683 (May 14, 1997).

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auction, with speculative if not unjustified economic benefits.<sup>2</sup> Rather than heed these criticisms, the FCC has moved, in the *Sixth Report*, to further reduce the number of DTV allotments outside the so-called "core spectrum." The result has been to saddle WFMZ-TV with a severely and potentially permanently disadvantageous DTV channel allotment.

As shown in the attached engineering statement by MBC's consulting engineer, Larry H. Will, P.E., the WFMZ-TV and WWAC-TV DTV allotments are short-spaced by more than 24 miles, certainly one of the most, if not the most, severe short-spacings in the entire DTV table. While WFMZ-TV's Channel 46 DTV allotment would, arguably, result in a reasonable approximation of the station's existing NTSC service area, in the words of Mr. Will, "the DTV F(50,10) curves show that the undesired contours of each station severely encroach on the protected F(50,90) contours." Equally to the point, WFMZ-TV's ability to provide a good quality signal to a number of cable television systems located between the two stations may well be compromised. Both stations are in the Philadelphia market, but WFMZ-TV is located in the northwestern part of the market and WWAC-TV in the southeastern part of the market. The potential for interference is most severe in the central portion of the market that both stations are attempting to serve. No other station in the Philadelphia market confronts this situation.

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<sup>2</sup> See, generally, *Broadcasters' Comments on Sixth Further Notice of Proposed Rule Making*, filed November 22, 1996, Section III.B.3; *Comments of Maranatha Broadcasting Company, Inc.*, filed November 22, 1996, ¶ 21.

WFMZ-TV's present service is not subject to this interference potential, because there is no closely-spaced co-channel station. Moreover, WFMZ-TV's present Channel 69 facilities could potentially be improved to up to 5,000 kW (subject to a requirement to avoid interference to adjacent channel land mobile operations). Its Channel 46 DTV allotment, however, will be decidedly "second-class."

WFMZ-TV's DTV short-spacing is aggravated, and particularly discriminatory, because it is also potentially permanent. Both WFMZ-TV and WWAC-TV, which broadcasts on Channel 53, currently operate outside the so-called "core spectrum." Thus, at the end of the transition period, neither station will have the option of continuing its DTV operations on its present NTSC channel.

At the end of the transition period, the "repacking" of the Table of Allotments should, in theory, provide opportunities for modified channel assignments. Given, however, that most licensees will have the option to choose whether to continue to operate on their DTV or NTSC channels, there can be no assurance that any fully-spaced allotments will become available at any given community. This is especially the case in the northeastern United States, where the table is most congested.<sup>3</sup>

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<sup>3</sup> In the Philadelphia market, there are more than 20 commercial and noncommercial television stations. In addition, channel allotments are affected by stations elsewhere in Pennsylvania, northern New Jersey, New York and Connecticut.

For the foregoing reasons, the FCC should reconsider the *Sixth Report* insofar as it assigns DTV Channel 46 to both WFMZ-TV and WWAC-TV and should identify alternative DTV allotments for one or both stations which do not discriminatorily impair the ability of either station to compete in the Philadelphia market.

Respectfully submitted,

MARANATHA BROADCASTING  
COMPANY, INC.

By 

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June 13, 1997

**MARANATHA BROADCASTING COMPANY, INCORPORATED****LICENSEE OF****WFMZ-TV****CHANNEL 69****ALLENTOWN, PENNSYLVANIA****TABLE OF CONTENTS**

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**MARANATHA BROADCASTING COMPANY, INCORPORATED****DECLARATION OF LARRY H. WILL**

Larry H. Will declares and says:

That he prepared the attached engineering exhibit on behalf of MARANATHA BROADCASTING COMPANY, INCORPORATED, Licensee of WFMZ-TV, a Commercial TV station at Allentown, Pennsylvania.

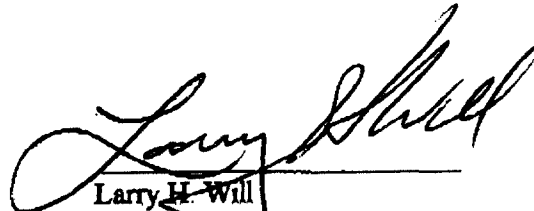
That he has been involved in radio and television broadcast engineering for over 30 years, and that he has previously submitted engineering applications to the Federal Communications Commission.

That he holds a Bachelor of Science Degree in Electrical Engineering from Drexel University, 1966.

That he is a Registered Professional Engineer in the State of New Jersey.

That he is a member in good standing of the Institute of Electrical and Electronic Engineers, the Association of Federal Communications Consulting Engineers, and the Society of Broadcast Engineers.

That all statements contained within this exhibit are true and accurate to the best of his knowledge and belief, and as to such statements made of belief, they are believed to be true, except for information for which the Federal Communications Commission takes official notice.



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Date: June 12, 1997

**MARANATHA BROADCASTING COMPANY, INCORPORATED****LICENSEE OF****WFMZ-TV****CHANNEL 69****ALLENTOWN, PENNSYLVANIA****ENGINEERING EXHIBIT****1. BACKGROUND**

Maranatha Broadcasting is currently licensed as WFMZ-TV on Channel 69 in Allentown, PA and has a pending application (BMPCT-960515KE) for an increase in Effective Radiated Power. The undersigned has been retained to prepare this Engineering Exhibit in support of WFMZ-TV's Petition for Reconsideration on the 6th Report and Order in MM Docket 87-268.

**2. WFMZ-TV AND THE PHILADELPHIA ADI**

WFMZ-TV's presently licensed NTSC *Grade A and B Contours* cover a significant portion of the Philadelphia, PA ADI. In the 6th Report and Order, WFMZ-TV was allotted Channel 46 at 50 Kw ERP for DTV. The 6th Report and Order also allotted Channel 46 at 50 Kw for DTV to WWAC-TV in Atlantic City, NJ, barely 97.3 miles distant and also covering a portion of the Philadelphia ADI. Thus, there are two Channel 46 DTV allocations located generally in the Philadelphia ADI. This allotment condition is unique to WFMZ-TV in the Philadelphia ADI. This nearly 20 percent DTV-DTV short spacing is certainly one of the most

severe in the entire table of DTV allotments.

Both stations presently utilize NTSC channels outside either of the proposed CORE allotments that will result after the completion of the transition (WFMZ is on CH 69 and WWAC-TV is on CH 53). As a result, WFMZ is forever "boxed in" due to the *over 24-mile* co-channel short spacing with Atlantic City and is put at an extreme competitive disadvantage *vis-à-vis* every other DTV allotment within the ADI. While the 6th Report and Order at Appendix E (73.623) allows for new or modified allotments, no allotments or improvements in facilities can be made, if the station cannot meet the co-channel and adjacent channel separation requirements, unless directional antennas are utilized. In the WFMZ-TV case, the directionality null required would be generally *in the direction of the center* of the ADI which would be of little value to WFMZ-TV. If the allotment of Channel 46 to Allentown, PA and to Atlantic City, NJ is allowed to stand, WFMZ-TV will be irrevocably harmed by the Commission action in the 6th Report and Order.

The short-spacing is particularly troublesome as it may effect the ability of WFMZ-TV to provide a good quality signal to the many CATV systems to the south and east of Allentown and in the direction of Atlantic City. As allotted by the 6th Report and Order, the noise-limited 41 uV/m FCC(50,90) DTV service contours of WFMZ-TV and WWAC-TV, using the present HAAT's of both stations, come within approximately 18 miles of each other. The area of near overlap occurs generally along the Delaware River between Philadelphia, PA, and Trenton, NJ, right in the middle of the Philadelphia ADI. The DTV F(50,10) curves show that the undesired



contours of each station severely encroach on the protected F(50,90) contours. Allowing for the 15.27 dB DTV D/U ratios required for co-channel protection, CATV systems in southwestern NJ and southeastern PA may require highly directionalized antennas to be able to adequately discriminate between the co-channel DTV signals of WFMZ and WWAC-TV. In the case of systems located along a direct line between the two stations, discrimination between the signals may be problematic.

### **3: TREATMENT OF WFMZ-TV AS COMPARED TO OTHER STATIONS IN THE PHILADELPHIA, PA ADI.**

A review of the Table of Allotments (Appendix E at 73.622) shows that of the 18 DTV allotments in the Philadelphia, PA, and surrounding areas, including Reading and Bethlehem, Pennsylvania; Wilmington, Delaware, and southern New Jersey, all of which are part of the Philadelphia ADI, only two other stations are limited in DTV coverage by other *co-channel DTV* allotments and these two stations not near as severely as WFMZ.

The first is DTV Channel 42, Philadelphia, with a DTV co-channel allotment in Annapolis, MD, at 102.05 miles and Channel 22, Camden, NJ, with a DTV allotment at Garden City, NY, at 103.76 miles. All other area DTV allotments have no *co-channel* short-spaced *DTV* allotment (less than 122 miles). In addition, both of these stations' present NTSC allocations are within the core spectrum, so these two stations have an opportunity to revert to their previous channel for DTV at the end of the transition period. Only WFMZ-TV (and WWAC-TV) are so constrained.

#### 4: CONCLUSION

Therefore, based on the proposed allotments in the 6th Report and Order, WFMZ-TV may well be *forever locked in to severely short-spaced DTV-DTV facilities* and may thus be placed at a permanent competitive disadvantage with respect to other stations in the Philadelphia ADI. For this reason, the Commission should revisit the dual allocation of DTV CH 46 within the Philadelphia ADI with the aim of eliminating the *short-spaced co-channel DTV-DTV* condition between Allentown, PA and Atlantic City, NJ.